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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Niki Marina Eloshway)
Group Art Unit: 3727) A PACKAGE INCLUDING A
In re Application of:) CONTAINER WITH A WIDE-MOUTH
GARY L. MENGEU) SPOUT AND ENCLOSURE SEALING
Application Serial No. 09/930,079) THE SPOUT
Filed August 15, 2001) Attorney Docket No. 035373-00104

AMENDMENT AND RESPONSE

February 13, 2003

Assistant Commissioner for Patents
BOX NON-FEE AMENDMENT
Washington, DC 20231

Sir:

This is an Amendment and a Response to the Office Action mailed on December 4, 2002 in the above-identified application.

Please amend the application as follows:

In the Specification:

Rewrite the opening paragraph at page 1, lines 4-6, as follows:

Cross Reference to Related Application: *commonly owned, concurrently filed design patent application serial no. 29/146,737 entitled "CONTAINER", now Patent No. Des. 463,982 issued on October 8, 2002.*

REMARKS

Claims 1-13 are pending. Claims 1-4 and 10-13 have been rejected under 35 U.S.C. § 102. Claim 5-9 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Rejections Under 35 U.S.C. § 102

Claims 1-4 and 10-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Montgomery (US 5,738,231). This rejection is respectfully traversed.